

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 97 of the Commission's)	
Amateur Radio Service Rules to Eliminate)	RM - 10786
Morse Code Proficiency Testing Requirements)	
For All Classes of Amateur Licenses)	
)	
To: The Commission)	

COMMENTS OF CARL R. STEVENSON – WK3C

I hereby submit my personal Comments in total support of the Petition for Rulemaking filed by No Code International (“NCI”) in the above captioned Proceeding, seeking the expeditious elimination of the remaining Morse code proficiency test requirement from the Commission’s Part 97 rules for all classes of amateur license issued by the Commission.

I have been licensed by the Commission as an amateur radio operator for over 25 years, and I am the Executive Director of NCI, a Fellow of the Radio Club of America, a Senior Member of the IEEE, a member of the American Radio Relay League, a member of the Quarter Century Wireless Association, a member of two local amateur radio clubs, and a member of ARES and RACES¹.

I have also been an RF systems engineer for over 32 years.

I currently hold an Amateur Extra Class license, so I have nothing to gain personally in terms of operating privileges should the relief requested in the Petition be granted. My interest in this matter is based in my firm belief that the elimination of Morse proficiency requirements from the Commission’s rules for all classes of amateur radio licenses issued by the Commission is in the best interest of the Amateur Radio Service and its ability to fulfill its Basis and Purpose, as defined by the Commission.²

I will elaborate on this and other aspects of why I support the NCI Petition in the following sections of these comments

¹ Amateur Radio Emergency Service and Radio Amateur Civil Emergency Service, respectively.

² See 47 C.F.R. § 97.1

**ELIMINATION OF THE MORSE PROFICIENCY REQUIREMENT FOR ACCESS TO
THE MF/HF BANDS WILL DRAMATICALLY INCREASE THE AMATEUR RADIO
SERVICE'S ABILITY TO FULFILL ITS VITAL EMERGENCY COMMUNICATIONS
ROLE**

As noted by the Commission in its Report and Order in WT Docket No. 98-143 (the "R&O"), amateur use of Morse in emergency communications is rare and voice, data, or video modes are the modes of preference of most amateur radio operators providing emergency communications because they are more efficient means of rapidly and efficiently transmitting the required information.³

Moreover, on those rare occasions when Morse is used by amateurs for emergency communications it is virtually always due to operator choice and preference rather than as a matter of true necessity.

Some amateur operators who are proponents and enthusiastic users of Morse will claim, *"Morse skill is essential for emergency communications, because Morse will get through when no other mode will."*

That assertion is demonstrably false. Modern digital modes, readily available to amateurs, can deliver "perfect copy," at higher data rates than even the most skilled manual Morse telegraphers could achieve - under such poor signal to noise conditions that even the most skilled Morse operator would be unable to even detect the presence of a Morse signal, let alone successfully decode it by ear.

However, the most compelling argument vis a vis emergency, disaster, and homeland defense communications is that, under the current rules, a very significant portion of the Commission's amateur licensees are unnecessarily precluded from assisting in such communications when the mission requires the use of the MF/HF amateur bands - because they are relegated to use of only the VHF and UHF bands by the antiquated requirement for Morse proficiency - despite the fact that Morse plays no essential role in such communications.

Clearly, the public interest would best be served by eliminating the unnecessary Morse proficiency requirements as a barrier to access to the MF/HF amateur bands by all licensees, thereby significantly increasing the pool of operators who are able to use the MF/HF amateur bands between 1.8 and 30 MHz to provide vital public service, emergency, disaster, and homeland security communications support in times of need.

³ See the R&O, at 31.

**ELIMINATION OF THE MORSE PROFICIENCY REQUIREMENT FOR ACCESS TO
THE MF/HF BANDS WILL ALSO RESULT IN INCREASED PARTICIPATION BY
TECHNICALLY-INCLINED INDIVIDUALS FOR WHOM MORSE REQUIREMENTS
SERVE AS A DISINCENTIVE TO BECOMING AMATEUR RADIO OPERATORS**

I further believe that the elimination of this antiquated requirement from the Commission's rules will promote increased participation in amateur radio by people with more interest in the technical aspects of amateur radio, further advancing the Basis and Purpose of the Amateur Radio Service.

The Commission's own determinations, as referenced in the Petition, and herein, support this view.

As the Commission stated, in the R&O, "... *because the amateur service is fundamentally a technical service, the emphasis on Morse code proficiency as a licensing requirement does not comport with the basis and purpose of the service* [emphasis added] ..."^{4,5}

The Commission additionally stated, in the R&O that, "... *we note that one of the fundamental purposes underlying our Part 97 rules is to accommodate the amateur radio operator's proven ability to contribute to the advancement of the radio art. We believe that an individual's ability to demonstrate increased Morse code proficiency is not necessarily indicative of that individual's ability to contribute to the advancement of the radio art. As a result, we find that such a license qualification rule is not in furtherance of the purpose of the amateur service and we do not believe that it continues to serve a regulatory purpose* [emphasis added]."⁶

Additionally, as far back as the "Codeless Technician Decision" in 1990,⁷ the Commission recognized, and many comments supported the fact, that "... *otherwise qualified persons ... find the telegraphy requirement a barrier to pursuing the purpose of the amateur service.*"⁸ [emphasis added]

In fact, the Quarter Century Wireless Association ("QCWA") stated in its 1990 comments in PR Docket No. 90-55, "*It is understandable that some may not be overly enthusiastic in endorsing changes in licensing procedures which would delete the requirement of proficiency in this traditional mode of communication. Nonetheless, after consideration of the facts associated with*

⁴ See the R&O, at 30.

⁵ See 47 C.F.R. § 97.1

⁶ See the R&O, at 25.

⁷ PR Docket No. 90-55

⁸ See the Report and Order in PR Docket No. 90-55, adopted Dec. 13, 1990, released Dec. 27, 1990, at 5.

*licensing trends, we have concluded that the blanket code proficiency requirement may be a major cause of decline in the entry of many people into the Amateur Radio Service.”*⁹ [emphasis added]

The American Radio Relay League (“ARRL”) stated in its comments in PR Docket No. 90-55, “*An ARRL study committee has concluded that the perception of the Morse telegraphy requirement filtered out too many desirable and technically qualified operators ...*”¹⁰

In fact, based on my personal experience at attempting to recruit many extremely technically competent colleagues into amateur radio over my more than 32 years as an RF systems engineer, I firmly believe that the maintenance of the outdated Morse requirement has been the biggest single impediment to the recruiting of otherwise qualified “new blood” (the more technically inclined and the younger generation, in particular) into the Amateur Radio Service.

EVEN THE IARU RECOGNIZES THAT CONTINUING MORSE PROFICIENCY REQUIREMENTS IS NOT IN THE BEST INTEREST OF THE FUTURE OF THE AMATEUR RADIO SERVICE

While historically a strong supporter of continued Morse proficiency requirements for amateur licensees, at its meeting September 6-7, 2003 in Amsterdam, the Netherlands, the Administrative Council (the “counsel”) of the International Amateur Radio Union (“IARU”) reviewed in detail the results of World Radiocommunication Conference 2003 (WRC-03) as they affected the Amateur and Amateur-Satellite services and called for the removal of Morse code as an examination requirement to operate on HF.

At this most recent meeting, the council reiterated its stance first taken in 2001 that Morse code proficiency “*as a qualifying criterion for an HF amateur license is no longer relevant to the healthy future of amateur Radio.*” and further resolved “*IARU policy is to support the removal of Morse code testing as a requirement for an amateur license to operate on frequencies below 30 MHz.*” [emphasis added]¹¹

⁹ *Id.*, at 9.

¹⁰ *Id.*, at 10

¹¹ Source: The ARRL website article “IARU Administrative Council Looks to the Future” at <http://www.arrl.org/news/stories/2003/09/12/100/?nc=1>

THE ONLY REASON THAT THE COMMISSION CITED FOR KEEPING ANY MORSE TESTING AT THE TIME OF THE R&O IN WT DOCKET 98-143 NO LONGER EXISTS

In the R&O, the Commission stated, “*We have considered the comments on this issue and conclude that the public interest will best be served by reducing the telegraphy examination requirement to the minimum requirement that we have found that meets the [ITU] Radio Regulations* [emphasis added] ...”¹²

WRC-03 modified the Article 25 of the ITU Radio Regulations, effective July 05, 2003, with the full support of the U.S. and without opposition by a single ITU member administration, eliminating the previous, unwaiveable obligation on administrations to require a demonstration (test) of Morse proficiency and leaving it to the discretion of administrations to determine in their national rules whether a Morse test would be required or not.

Therefore, the “*minimum requirement that meets the ITU Radio Regulations*” for any class of amateur license is now no Morse test at all.¹³

Now that the ITU Radio Regulations have been modified to eliminate the previously unwaiveable requirement¹⁴, the Commission should expeditiously take the next logical, progressive step – the complete elimination of the remaining Morse code proficiency test requirements from the Commission’s Part 97 rules for all classes of amateur license issued by the Commission.

¹² The relevant section of the ITU Radio Regulations in force at the time of the R&O read: “Any person seeking a license to operate the apparatus of an amateur station shall prove that he is able to send correctly by hand and receive correctly by ear texts in Morse code signals. The administration concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 30 MHz.”

¹³ The relevant section of the ITU Radio Regulations NOW in force (as of July 5, 2003) reads: “Administrations shall determine whether or not a person seeking a licence to operate an amateur station shall demonstrate the ability to send and receive texts in Morse code signals.”

¹⁴ See the Provisional Final Acts – WRC-2003, Geneva; *specifically* Article 25 MOD COM4/364/5 (B20/388/5), which removes the previously unwaiveable Morse code test requirement for prospective amateur licensees seeking licenses that convey operating privileges in the bands below 30 MHz.

**THE COMMISSION HAS THE AUTHORITY TO AMEND ITS PART 97 RULES TO
ELIMINATE MORSE PROFICIENCY REQUIREMENTS BY EXPEDITED ORDER
WITHOUT FORMAL NOTICE AND PUBLIC INPUT AND SHOULD DO SO**

I believe, as was elaborated in NCI's Petition, that the Commission should amend its rules to eliminate Morse proficiency requirements by expedited order without formal notice and public input and that to pursue this course would be a wise, correct, and prudent decision on the Commission's part, because:

- it is clearly within the Commission's authority;
- it would save considerable drain on the Commission's limited and valuable resources in dealing with a matter that the Commission has already considered extensively;
- it would remove an unnecessary, restrictive burden, *that the Commission has already determined does not comport with the purpose of the Amateur Radio Service and serves no regulatory purpose*, and;
- that because to doing so would simply remove an unnecessary restrictive burden, no party would be prejudiced by such action by the Commission.

I also concur fully with NCI's request, in the Petition, that the Commission refrain from combining NCI's request for the prompt elimination of Morse test requirements from its rules with other substantially unrelated issues such as, but not limited to, band segmentation, changes in the number of license classes, sweeping changes in operator privileges by license class, etc., because I believe that would result in unnecessary, protracted delay in resolving this important and, in my belief, clear-cut issue.

This issue has been debated *ad nauseum* within the amateur community for at least two decades and has been one of the most divisive issues in recent memory. However, a recent review of the body of comment in this Proceeding (from comments viewable in the Commission's ECFS) indicates that approximately 71% of commenters favor the prompt and total elimination of Morse testing requirements from the Commission's rules.

The Commission would do the Amateur Radio Service, the amateur community, and the Commission itself a great disservice by following a lengthy NPRM/comment/reply comment cycle, likely to take approximately two years, consume untold man-hours of the Commission's limited resources, and prolong any remaining debate and contention in the amateur community.

SUMMARY AND CONCLUSION

I fully support all of the points in NCI's Petition for Rulemaking in this Proceeding.

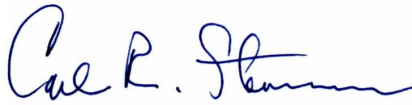
The body of comment in this Proceeding, and the Commission's own considered determinations from both PR Docket No. 90-55 and WT Docket No. 98-143 support the inevitable conclusion that the public interest would best be served by the total elimination of Morse proficiency requirements for all classes of amateur license issued by the Commission.

The only barrier to such action by the Commission (the previous unwaivable requirement in the ITU Radio Regulations) was eliminated by WRC-03, effective July 5, 2003.

Even the IARU, which represents the global amateur radio community, has determined and resolved that the elimination of Morse proficiency requirements is in the best interest of the Amateur Radio Service.

I therefore respectfully request that the Commission have the courage and exercise the good judgment to conserve its precious resources and spare the amateur community another couple of years of internal contention by granting NCI's request by an expedited order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Carl R. Stevenson". The signature is fluid and cursive, with a long horizontal stroke at the end.

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